

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Callister et al.

Serial No: 09/911,551

Filed: 7/23/2001

Title: Occluding Device and Method of Use

Docket No: 000687-000470/US

Group Art Unit: 3764

Examiner: Michael A. Brown

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. However do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

Applicant herewith submits documents related to litigation involving U.S. Patent Nos. 6,096,052 and 6,423,116 which are not related to the present application, but which may pertain to similar subject matter.

Civil Action No. C-02-1968 MHP (U.S. District Court, Northern District of California) pertains to U.S. Patent No. 6,096,052; and Civil Action No. C 02-3884 MHP (U.S. District Court, Northern District of California) pertains to U.S. Patent No. 6,096,052 and U.S. Patent No. 6,423,116. U.S. Patent Nos. 6,096,052 and 6,423,116 are assigned to AMS Research Corporation.

This Information Disclosure Statement is being submitted:


- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application, or before the mailing date of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114, and therefore, Applicant believes no fee is required;
- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
- (a) A statement that either:
- ☐ (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- ☐ (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- OR
- ☒ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
- (a) A statement that either:
- ☐ (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- ☐ (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- AND
- ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1901** referencing order number 000687-000470/US.

Respectfully submitted,

April 13, 2006

By 
Barbara A. Wrigley, Reg. No. 34,950
Customer No. 34,205

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	09/911,551
Filing Date	07/23/2001
First Named Inventor	J. Callister et al.
Art Unit	3764
Examiner Name	Michael A. Brown
Attorney Docket Number	000687-000470/US

Sheet 1 of 5

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US-2003/0066533	Apr-03	Loy	
	2	US-2002/020417	Feb-02	Nikolchev et al.	
	3	US-2002/020951	Mar-02	Callister et al.	
	4	US-2004/0079377	Apr-04	Nikolchev et al.	
	5	US-2004/0127918	Jul-04	Nikolchev et al.	
	6	US-2004/0159324	Aug-04	Nikolchev et al.	
	7	US-2004/0163650	Aug-04	Lowe et al.	
	8	US-2004/0163651	Aug-04	Nikolchev et al.	
	9	US-2004/0206358	Oct-04	Nikolchev et al.	
	10	US-2004/0211429	Oct-04	Nikolchev et al.	
	11	US-3334629	Aug-67	Cohn	
	12	US-3865108	2/1/1975	Hartop	
	13	US-3868956	3/4/1975	Alfidi et al.	
	14	US-3991760	11/1/1976	Drobish et al.	
	15	US-4052754	10/11/1997	Homsy	
	16	US-4140126	2/20/1979	Choudhury	
	17	US-4185618	Jan-80	Corey	
	18	US-4246896	Jan-81	Horne et al.	
	19	US-4279252	Jul-81	Martin	
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	20	AU 707047	7/1/1999	Conceptus, inc.		
	21	AU 739429	10/11/2001	Conceptus, inc.		
	22	DE3038928	4/1/1982	Waldemar Bleier		
	23	EP1199049	Apr-02	Shoher et al.		
	24	WO90/09158	Aug-90	Radelkis Elektrokemiai Muszergyarto Ipari Szovetkezet		
	25	WO94/26175	11/24/1994	Vitaphore Corporation		
	26	WO97/27893	Aug-97	Transvascular, Inc.		
	27	WO01/13833	Mar-01	Conceptus, inc.		

Examiner
Signature

Date

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitution for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/911,551
				Filing Date	07/23/2001
				First Named Inventor	J. Callister et al.
				Art Unit	3764
				Examiner Name	Michael A. Brown
				Attorney Docket Number	000687-000470/US
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		Number - Kind Code ² (if known)			
	28	US-4562596	1/7/1986	Kornberg	
	29	US-4579110	Apr-86	Hamou	
	30	US-4595000	Jun-86	Hamou	
	31	US-4638803	Jan-87	Rand	
	32	US-4657000	Apr-87	Hepburn	
	33	US-4688553	Aug-87	Metals	
	34	US-4700701	Oct-87	Montaldi	
	35	US-4787899	11/29/1988	Lazarus	
	36	US-4869268	9/1/1989	Yvon	
	37	US-4964850	10/1/1990	Bouton et al.	
	38	US-4969458	Nov-90	Wiktor	
	39	US-4994069	Feb-91	Ritchart et al.	
	40	US-5104399	4/14/1992	Lazarus	
	41	US-5108420	4/1/1992	Marks	
	42	US-5147370	Sep-92	McNamara	
	43	US-5167614	Dec-92	Tessmann et al.	
	44	US-5176692	Jan-93	Wilk et al.	
	45	US-5192301	3/9/1993	Kamiya et al.	
	46	US-5226911	Jul-93	Chee et al.	
		US-			

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Examiner Signature		Date Considered	
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				Art Unit	3764
				Examiner Name	Michael A. Brown
Sheet	3	of	5	Attorney Docket Number	000687-000470/US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	47	US-5267945	Dec-93	Doctor et al.	
	48	US-5275622	1/4/1994	Lazarus et al.	
	49	US-5354295	Oct-94	Guglieimi et al.	
	50	US-5370657	12/1/1994	Irie	
	51	US-5382259	Jan-95	Phelps et al.	
	52	US-5433217	Jul-95	Pianetti et al.	
	53	US-5456713	10/10/1995	Chuter	
	54	US-5489295	2/6/1996	Piplani et al.	
	55	US-5499995	Mar-96	Tierstein	
	56	US-5499995 C1	Mar-02	Tierstein	
	57	US-5507811	Apr-96	Koike et al.	
	58	US-5512051	Apr-96	Wang et al.	
	59	US-5514176	May-96	Bosley, Jr.	
	60	US-5643311	Jul-97	Smith et al.	
	61	US-5669933	Sep-97	Simon et al.	
	62	US-5836968	Nov-98	Simon et al.	
	63	US-5919202	Jul-99	Yoon et al.	
	64	US-5935137	Aug-99	Saadat et al	
	65	US-6090063	Jul-00	Makower et al.	
		US-			

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				First Named Inventor	J. Callister et al.
				Art Unit	3764
				Examiner Name	Michael A. Brown
Sheet	4	of	5	Attorney Docket Number	000687-000470/US

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				<i>Application Number</i>	09/911,551
				<i>Filing Date</i>	07/23/2001
				<i>First Named Inventor</i>	J. Callister et al.
				<i>Art Unit</i>	3764
				<i>Examiner Name</i>	Michael A. Brown
				<i>Attorney Docket Number</i>	000687-000470/US
Sheet	5	of	5		

[illegible]

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